

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
JUNE 10, 2008
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS

PRESENT:

Chair Bruce K. Mace
Commissioner Sloan Bailey
Commissioner Peter Schwartz
Commissioner Patrick Pagnillo
Commissioner Richard Esteb

STAFF

PRESENT:

Bob Pendoley, Planning Director/Assistant Town Manager
Patrick Angell, Planning Consultant
Nancy Salcedo, Minute Recorder

1. OPENING

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

All the Commissioners were present except Commissioner Esteb, who arrived during the public comment period.

2. PUBLIC COMMENT:

3. CONSENT CALENDAR: None.

4. CONTINUED HEARINGS: None

5. NEW HEARINGS:

A. DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DRAFT GENERAL PLAN - This is a public hearing to receive comments on the Draft Environmental Impact Report (DEIR) for the draft updated General Plan. The Commission will receive comments, make comments of its own, and continue the hearing to June 24, 2008. At the conclusion of the hearing on June 24, 2008, the Commission will direct staff and the EIR consultants to prepare

responses to all comments received for inclusion in the draft Final EIR. A public hearing on the draft Final EIR is tentatively scheduled for August 14, 2008. (Planner: Robert Pendoley).

Planning Director Pendoley introduced the staff report. He advised that the purpose of tonight's hearing was to take comments from the public, and recommended that the Commissioners reserve their comments for the June 24 hearing, when they can also address any written comments received by the Town.

Planning consultant Patrick Angell reviewed the hearing process for which he used a slide presentation, adding that no action should be taken tonight, but rather that this hearing is an optional encouraged step in the DEIR review process. He said that under CEQA, the DEIR is intended to provide an opportunity for interagency cooperation and to allow the Town to take public comments. The DEIR is an informational document encouraging an exhaustive public review and input process. He said that the Town released a Notice of Preparation for the General Plan EIR on May 19, 2005, and that the Town's consultants completed the DEIR in April 2008. On April 14, 2008, the Town published a Notice of Availability announcing that the DEIR was available for a 60-day public review period. The final day to submit written comments on the DEIR is June 13, 2008. The Planning Commission will hold public hearings on June 10 and June 24, 2008 to receive comments from the public and Commissioners, and the public comment period will end on June 24, 2008, when the Commission concludes its second public hearing on the document.

Mr. Angell said there would be significant and unavoidable environmental impacts, and noted that many were regional in nature and would take place regardless of the DEIR process. He said that following the public review period, a draft Final EIR will be prepared consisting of the DEIR; comments and recommendations received on the DEIR; the Town's responses to the significant environmental points raised in the comments; and a list of persons and agencies commenting on the DEIR. He added that staff would respond in writing to all comments received, and concluded that the purpose of tonight is to listen.

Commissioner Schwartz asked for clarification on the process of incorporating state policy changes into the Town's DEIR review process. Planning Consultant Patrick Angell said the Town would need to incorporate those changes at the appropriate stages in the environmental review process as changes become adopted.

Commissioner Mace opened the hearing to public comments.

Dave Coury, 301 Corte Madera Avenue and a member of the Executive Committee of the Marin Environmental Housing Collaborative, said that the San Clemente development is a beautiful example of a sustainable community. His understanding is that grades of truth was prepared with many assumptions made about traffic generated, some of which are misleading. For example, he said that the traffic at San Clemente is actually lesser than that at market rate housing, due to extra service trips generated by gardeners and tutors in the latter. He added that in the DEIR affordable housing is not reviewed. He said he feels that this is not a planning tool in the sense that the jobs housing balance doesn't look at the people who live here versus those who work here. He said that those who work here need to be able to live nearby. He said that the DEIR alternatives are really good, and the options of infill are great, with the traffic calming aspects of having workers and housing nearby. He added that he thought it would be great for the DEIR to analyze impacts of the residential component of WinCup property and Village together so one can see the interplay. He concluded that it would be great if the jobs housing balance could be incorporated here, too.

Commissioner Schwartz clarified that in the alternatives, residential development is geared toward workforce housing, and does not distinguish between those who live in a specific development versus those who happen to live here in Town. Mr. Coury said that EAH Housing has researched and found that 85% of those who live in their projects actually work here. He added that he believes we have responsibility to provide homes for workers.

John Roberto, planning and environmental consultant, said that he would be submitting a letter in hopes that the DEIR can include site specific details of the WinCup property. He said he wanted to thank the town for the DEIR and added that he hoped it could include a consideration of the environmental affects of the WinCup site in relation to alternatives, while acknowledging that the DEIR is prepared on a macro scale without looking at specific sites.

Barbara Salzman, Marin Audubon, said she would be submitting a letter in hopes of making the DEIR a more proactive document. She said that the DEIR in its present state was greatly deficient in the biological resources area. She said she felt most of the habitat descriptions were boilerplate, and said that the California database is notoriously deficient with regard to wildlife. She said that better descriptions were available from other agencies, such as Department of Fish and Game, which has recently had studies done. She said that Eucalyptus should not be considered a habitat, and that Triangle March should not be listed as privately owned property. She continued that in general a number of policies refer to environmental review being conducted in compliance with CEQA, but added that she felt that the DEIR should spell out what is meant by this, and

added that the DEIR should discuss what would be considered adequate mitigation for wetland losses. She said that the Town's existing general plan has a more protective definition of wetlands than the updated successor. She stated that the protection of wetlands falls on each community, and advised that the Town and the DEIR should not depend on other regulatory agencies to do this, as each has a different charge. She said the lagoon at Corte Madera Inn and Black Kettle Lagoon are not listed in the plan, and should be added. She said that hydrology and flooding should not be left to individual developments if they raise issues that are regional in scope, such as sea level rise. She added that the San Francisco Bay Conservation and Development Commission (BCDC) historic baylands maps should be incorporated into the DEIR.

Commissioner Schwartz asked if Ms. Salzman's comments pertained to seasonal or permanent wetlands. She said she was addressing all wetlands, adding that there are three qualifications for delineating a wetland: the presence of water; the presence of wetland plants; and the presence of hydric soils, and that individual regulatory agencies determine which of the criteria they require to delineate a wetland. She said the U.S. Army Corp of Engineers requires the presence of all three, but that the Town requires fewer.

Hearing no further public comments, Planning Director Pendoley added that the hearing would be re-advertised as a continued public hearing.

MOTION: Motioned by Esteb, second Schwartz passed unanimously to continue the public hearing on the Draft Environmental Impact Report for the draft updated General Plan to June 24, 2008. At the conclusion of the hearing on June 24, 2008, the Commission will direct staff and the EIR consultants to prepare responses to all comments received for inclusion in the draft Final EIR. A public hearing on the final Draft EIR is tentatively scheduled for August 14, 2008.

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

- i. Planning Director Pendoley announced the Town is in the process of recruiting for a Building Technician.

B. Minutes

- i. Planning Commission minutes of May 27, 2008 were motioned, seconded and approved with the following modification: add the words “at this time” after the statement by Commissioner Sloan on page 3 “it would be impossible for him to make findings...”

7. ADJOURNMENT

The meeting was adjourned at 8:15pm.

The next Planning Commission meeting is Tuesday June 24 at 7:30pm.